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27 Jul 88

REPORT TO PLANNING COMMITTEE

REVIEW OF POLICIES FOR NATURAL ENVIRONMENT AREAS

1. PURPOSE OF AND BACKGROUND TO THIS REPORT

This report fulfills the work program staff presented to Planning Committee on 28 April 1987 that addressed the following two motions approved by Council on 25 March 1987.

> "That staff provide a five and ten year forecast of gross and net expenditures, including debt and other charges, for mandatory conservation land acquisitions, i.e. those which the Region must buy to comply with the OMB ruling.
>
> That staff present options, in consultation with the Province, to lessen the Region's obligations to acquire such lands by removing some of these lands from the designated conservation areas."

(Planning Committee had previously determined to restrict this review to those policies and areas where Council was under an obligation to buy conservation land and not to re-open those policies relating to other lands with conservation significance.)

In the work program staff identified the following as the main components of the review:

> ". contacts with other agencies (e.g. National Capital Commission, Ministry of Natural Resources, conservation authorities) to discuss their present and possible future role in environmental lands protection, acquisition and management
>
> . review of other official plans (regional and local), zoning by-laws and OMB decisions to see what protection policies are in effect elsewhere and the extent to which protection may be possible without requiring a land acquisition program
>
> . investigate what other counties and regions in Ontario are doing with regard to management of their agreement forests with particular attention to revenue generating opportunities
>
> . review existing incentives and programs that encourage private landowners to preserve environmental features on their lands
>
> . re-examine each of the designated Natural Environment Areas with regard to various factors (including amount and location of public land, size of individual parcels in private ownership, location of features of special environmental significance) to see where boundary changes may be appropriate or whether the area as a whole requires a Natural Environment Area designation to ensure its protection."

Destination 88

The objectives established in the Regional Official Plan for Natural Environment Areas are:

- to preserve areas for wildlife;
- to preserve areas of scientific or educational value;
- to preserve areas of botanical interest;
- to preserve areas of scenic value;
- to set aside land for forestry purposes; and
- to preserve water supplies and wetlands.

The history of Council's policy towards these areas has been the subject of a previous report. The key element of Council's policy as first established in the 1974 Regional Official Plan was to protect significant environmental lands (similar to protecting agricultural resources and mineral resources) but that in addition, and distinct from this, the Region would continue a low key acquisition program so that some of the Natural Environment Areas could be available for public use. The position that Council now finds itself in is that because of an Ontario Municipal Board decision the designation of land has been tied to an acquisition program. The objective of this report is to see how it may be possible to once more separate these two policies. Map 1 shows the four Natural Environment Areas (Marlborough Forest, Long Swamp, Corkery Woodlands and Bradley's Falls) where the acquisition program applies.

2. FACTORS AFFECTING A LAND DESIGNATION POLICY

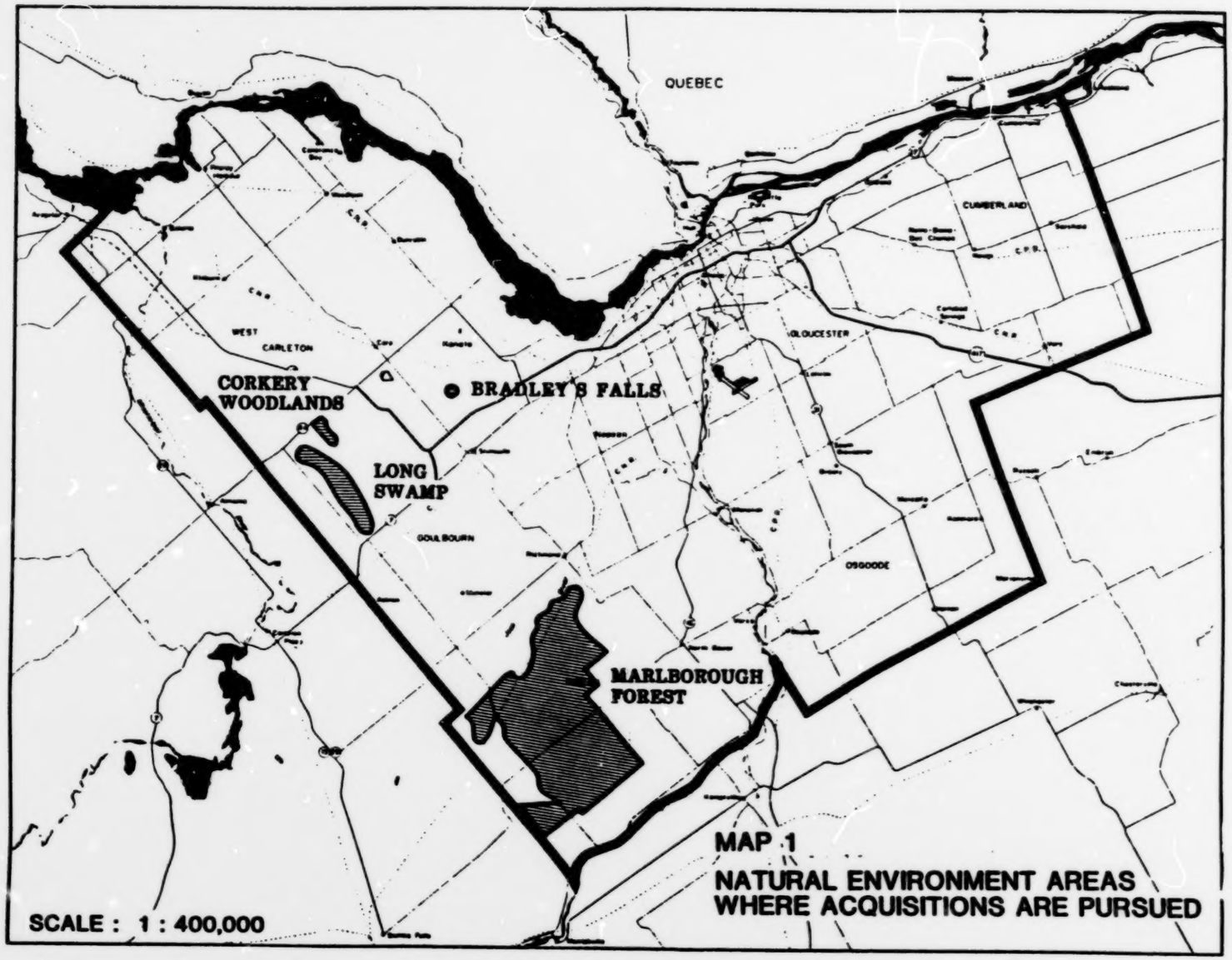
Introduction

As the first objective towards the Natural Environment Areas is that they be preserved - not that they necessarily be purchased for public use - the most desirable approach to this objective would be to establish a designation policy in the Regional Official Plan which would be sufficiently restrictive to ensure the long term protection of the natural environment of these areas but not restrictive to the point that the Ontario Municipal Board would require the designation policy to be accompanied by an acquisition policy.

To see what options may be available to Council a review has been undertaken of relevant Ontario Municipal Board decisions, of policies in other Ontario municipality official plans and of the policies for the Niagara Escarpment.

Ontario Municipal Board Decisions

The general theme running through more than a dozen decisions reviewed is that if private land is to be designated with an "open space" type of designation for the enjoyment of the public at large it will not be approved unless accompanied by an acquisition commitment from the municipality or by a policy that will permit the owner to obtain a redesignation if the municipality does not acquire. What these decisions do not answer is the degree of strictness of land use control the OMB would accept - i.e. a control less strict than no development - and whether the OMB would be amenable if it is made clear that the intent of the policy is to protect a natural (environmental) resource not to obtain open space lands for public use.



MAP 1

NATURAL ENVIRONMENT AREAS WHERE ACQUISITIONS ARE PURSUED

In the former regard an examination was made of the OMB decision on the Township of Rideau comprehensive zoning by-law (84-77) which established a minimum 90 acre lot size for most of the rural area. The OMB in upholding this lot size stated that it concurred with the Council's intention to restrict residential development in rural areas. This decision suggests that if a municipality wants to adopt a large minimum lot size as a density control to keep the rural area rural this is a legitimate use of the planning power. However it cannot be construed from this that the OMB would accept a 90 acre minimum lot size that applied to Natural Environment Areas but not to other designations in the Region. This would have to be tested before the Board to find the answer.

Another possible approach with regard to establishing a lot size that the OMB would find a "reasonable" is one that adopts the general lot size existing in an area - for example in the Corkery Woodlands this is 10 hectares, in the Marlborough Forest it is 40 hectares.

Different Types of Policy in Other Official Plans

To look at options in addition to a minimum lot size approach a review of the approved official plans of eight other regional municipalities and counties in Ontario revealed that all contained policies aimed at protecting those types of lands equivalent to what the Ottawa-Carleton Official Plan calls Natural Environment Areas. The approach generally taken by these official plans is similar to the Ottawa-Carleton policies for Marginal Resource Areas (Restricted) - namely a site specific environmental impact assessment is required in order to determine whether development should be permitted and, if so, under what conditions.

The site specific environmental assessment approach has the following drawbacks:

1. It does not guarantee the long term protection of an environmental area.

   As each proposed subdivision is a different situation, Council may decide not to approve one but to approve another. Over time this will lead to an area being checker-boarded with subdivisions so that it effectively ceases to be a natural area.

2. It may not remove Council's obligation to purchase the land if it does not want to approve the subdivision.

   The environmental review process may enable certain modifications to be achieved in a subdivision (e.g. lot size, protection of a specific feature) but there is no guarantee the OMB will let it be used to turn down a subdivision.

3. It fails to consider the cumulative and off-site effect of development on the overall environmental area.

4. It creates the potential for conflicts between residential subdivisions and recreational activities taking place on public land.

   For example, in the Marlborough Forest, the introduction of estate subdivisions would probably lead to pressures for restricting hunting and snowmobiling.

Such a policy approach could only be considered where the likelihood of development occurring is extremely remote either because the whole area is a wetland or otherwise physically incapable of development or because the road frontage has already been severed into large lots (e.g. 10 ha. lots in the Corkery Woodlands) and therefore further lot creation is very unlikely.

An exception to the site specific environmental assessment approach is the Regional Municipality of Sudbury where only uses compatible with retaining the areas in their natural state are permitted - "such uses as scientific research, nature study, resource management functions and recreation or other uses determined compatible". The policy also states that the designation of such "Sensitive Areas" does not imply that the Region or area municipalities or any other public agency will purchase the land.

Sudbury's policies have been approved by the Minister of Municipal Affairs but they have not been tested before the Ontario Municipal Board and there is therefore no assurance that they would not be overturned on an appeal.

Review of the Policies for the Niagara Escarpment

The experience of the Niagara Escarpment Commission with regard to the various policies and hearings prior to final acceptance of the Niagara Escarpment plan by the provincial Cabinet suggests a policy approach that, as described below, could be applied in Ottawa-Carleton.

The policies of prime interest to the Region are those pertaining to the creation of new lots. In designated Escarpment Natural Areas the draft plan recommended no new building lots be created. In Escarpment Protection Areas one lot was recommended for every 100 acres of original township lot provided the original lot had not been previously severed.

The table below summarises how the policies changed - from the original proposal, from what the Hearing Officers (a panel similar to the OMB) found reasonable and what was finally approved by the Cabinet.

	Original Proposal	Recommendations of Hearing Officers	Cabinet Approved Plan
Escarpment Natural Areas	No severances	Severances to be permitted if do not detract from objectives of the Plan	severances to create lots 100 acres in size (i.e. one new lot per 200 acres)
Escarpment Protection Areas	one severance per 100 acres of original township lot	Low density subdivisions or condominiums	one severance per 100 acres of original township lot (i.e. two new lots per 200 acres)

The Legal Department advises that because the Niagara Escarpment is considered at least of provincial if not of national importance, the strictness of land use control that a court might find reasonable would probably be greater than for areas

that are considered of regional significance. Their opinion is that policies that approximate the less restrictive of the two designations for the Niagara Escarpment Plan (i.e. permitting two new lots for every 200 acres in addition to farm severances) probably could be successfully argued and would remove the onus on Council to have an acquisition policy. In Planning staff's opinion, such a severance policy would probably be adequate to protect the Natural Environment Areas.

Conclusions on Factors Affecting a Land Designation Policy

The conclusions are that a policy for the environmental areas should have the following ingredients:

1. It should make clear that the policies are not intended as a means of obtaining parkland for public use but of conserving significant natural areas in private ownership.

2. The policy should aim at maintaining a very low density of development in these areas either by establishing a large minimum lot size (cf. Rideau) or by restricting the number of lots that can be created from every original 200 acre lot (cf. Niagara Escarpment Plan).

3. The policy need not permit any severances in wetlands or on other lands physically incapable of development.

It is believed that the above approach would achieve the dual objectives of adequately protecting the environmental areas while not requiring an acquisition policy.

3. ADDITIONAL OPTIONS FOR PROTECTING ENVIRONMENTAL AREAS WHILE REDUCING FINANCIAL OBLIGATIONS

(i) ROLE OF GOVERNMENT AGENCIES

Introduction

An understanding of the extent to which other government agencies can assist in protecting environmental areas is important in determining how much of the responsibility can be shared. In that only municipalities can achieve protection through land use control, the role for other agencies lies in their ability to assist in land acquisition and management. In this regard there are several key agencies with the potential to assist. These are the National Capital Commission, the conservation authorities and the Ministry of Natural Resources.

The National Capital Commission

Historically the National Capital Commission (NCC) has played a major role in acquisition, e.g. the Gatineau Park, the Greenbelt. Although they are rightfully looked on as the benefactor who made Ottawa a "green" capital they have not for many years continued these endeavours. Their last substantial purchase of open space land was in the early 1970's when they acquired a mini-greenbelt for the urban community proposed at Carlsbad Springs and some of this land has now been offered for sale. They have consistently advised for many years that municipalities will have to accept that the NCC cannot play a significant role in land acquisition. This has been confirmed in recent correspondence where they state that their financial capability to entertain new undertakings is severely limited and that their funds have to be concentrated on managing the land they already own.

The Conservation Authorities

Three conservation authorities have jurisdictions falling partly within Ottawa-Carleton - the Rideau Valley, Mississippi Valley and South Nation River authorities. There are no designated Natural Environment Areas within the South Nation River authority watershed.

Although conservation authorities have the mandate, the very low level of provincial financial support for conservation projects as opposed to water management projects means that the conservation authorities are not able to assume the responsibility for acquiring environmental areas on behalf of the Region. The best possibility for assistance from the conservation authorities relates to wetlands which act as regulators of water flow. In this regard candidate areas would be the Long Swamp (MVCA) and the Richmond Fen (RVCA) particularly since they are class 1 wetlands and the Province is funding the acquisition of a class 1 wetland by the Raisin Region Conservation Authority along the St. Lawrence River.

The only way to know definitely whether funding may be available would be for the Region and the conservation authorities to prepare submissions to the Province to request the projects be approved in principle for funding (if this were to be successful the funds might come retroactively as the projects would have to wait their turn as there are always more eligible projects than money available).

The Ministry of Natural Resources

The Ministry does not have a policy of purchasing environmental areas but through its forest management agreement with the Region agrees to contribute 75% of acquisition costs providing money is made available in the provincial budget. The problem is that provincial funding has not been sufficient to match the Region's acquisition program. For example, in the five year period to the end of 1987, the Region spent $1,034,800 on environmental land purchases but received only $86,100 in subsidies. Since 1983 only $200,000 in acquisition subsidies has been available annually across the whole Province. (Prior to 1983 the annual funding was between $300,000 and $400,000.) Staff have raised their concern with this low level of funding with Ministry staff on several occasions but always without success.

Conclusions on Role of Government Agencies

The general conclusion is that increased assistance from other government agencies in protecting environmental areas - either by they becoming directly involved themselves or they increasing assistance to the Region - cannot be expected. The Region should therefore devise its policies on this basis.

With regard to management of Regionally owned land, in staff's opinion the best arrangement is the present no cost arrangement with the Ministry of Natural Resources. This management agreement also provides the possibility for 75% acquisition grants even though, unless Provincial budgetary practices change, there is little likelihood of this being fully realised.

The one alternative route that is worth pursuing is with the conservation authorities in the acquisition of Class 1 wetlands.

(ii) FUND RAISING ASSISTANCE

The Nature Conservancy of Canada

The Nature Conservancy of Canada is a national non-profit organization whose aim is the preservation of ecologically significant natural areas, unique natural features and places of special beauty. The Conservancy acts as a fund raising body but does not usually hold property, instead transfering acquisitions to government agencies or conservation organizations for management.

The Conservancy has been involved in one project in Ottawa-Carleton when in 1981 they obtained funds from Xerox Canada Inc. to assist the National Capital Commission in acquiring 35 acres as an extension of its holdings in the Mer Bleue.

The Conservancy receives more requests for assistance than it is able to accommodate and requests are evaluated according to criteria which are grouped under six headings: representativeness and/or uniqueness; diversity of habitats and/or biotic communities; quality and ecological integrity; occurrence of rare or unusual species; special wildlife features; areas of particular and special beauty. Having regard to these criteria, it is concluded that a case could be assembled for presentation to the Conservancy for the Long Swamp and the Marlborough Forest.

The Ontario Heritage Foundation

The Ontario Heritage Foundation is an agency of the Ministry of Culture and Communications with a mandate to preserve and promote Ontario's architectural, historical, archaeological and natural heritage.

The Foundation does not itself give grants or raise funds towards acquiring natural heritage properties but acts as the co-ordinator for agencies trying to obtain funds. When a request is received it would be referred to the Natural Heritage League (an umbrella organisation of conservation groups) to see if one or more of its member agencies would be prepared to provide or solicit funds - the Nature Conservancy of Canada is a member. The types of areas that most likely would receive support would be class 1-2 wetlands and areas of natural and scientific interest - ANSIs - as identified by the Ministry of Natural Resources as being of provincial significance. The Long Swamp and, in the Marlborough Forest, the Richmond Fen and Steven's Creek are all qualifying wetlands. The Long Swamp and the Marlborough Forest have also been recognised as ANSIs.

Wildlife Habitat Canada

This is a national foundation created in 1984 to encourage the retention and stewardship of wildlife habitat - which includes plant as well as animal habitat. They provide funding assistance and currently are supporting some 80 projects to the tune of $13,500,000.

Wildlife Habitat Canada are assisting the Canadian Wildlife Service in one acquisition project in New Brunswick which involves 3,750 acres with 48 landowners and where they have agreed to advance funds over a five year period.

This "model" is good grounds on which the Region could make a funding application. By being in a position to contribute to the funding, by having the integrity of the area protected by the Natural Environment Area designation and by being able to

put the land it will acquire under its management agreement with the Ministry of Natural Resources, the Region is in a good position to satisfy some of the key criteria that Wildlife Habitat Canada examine in evaluating proposals.

Conclusions on Fund Raising Assistance

The Region would have to make a specific proposal or proposals in order to receive funds but as much if not all of the land in the Natural Environment Areas meets the initial criteria of these agencies these avenues should definitely be pursued.

(iii) REVENUE FROM ENVIRONMENTAL LANDS

Introduction

As mentioned in Section 1, Council's reason for an acquisition program was to ensure that some of the Natural Environment Areas would be available for public use, and although Council has never intended its policies towards the acquisition and management of environmental lands to provide revenue there are certain activities that generate income. Under the terms of the management agreement between the Region and the Ministry of Natural Resources, the Region does not have to contribute any management costs but in return any revenues deriving from the management of the land remain with MNR. This is to the Region's advantage because since the program began in 1964, management costs have amounted to $586,740 and revenues $130,607.

General

Revenues come mostly from two sources - sale of forest products and leases (pasture, hunt camps, bee hive sites, DND helicopter training sites). Since the program's inception, the sale of forest products has accounted for two-thirds of the revenue. There are three factors that affect the revenue received from forest products.

Firstly, the Marlborough Forest is located on an area of limestone plain where shallow soils do not produce the most valuable timber.

Secondly, in accordance with the management plan for the Marlborough Forest which Council approved in 1977 the area was not to be managed as a "tree farm" but the emphasis has been to manage the woodland to provide recreational and educational opportunities. The focus has been to keep a healthy forest rather than maximising timber return.

Thirdly, markets for the type of timber produced (pulp wood) have not been strong.

Experience Elsewhere in Ontario

There are fifty-seven public forest areas in the province owned either by municipalities or conservation authorities and managed by the Ministry of Natural Resources. The only ones where revenues exceed management costs (for nine of the forests) are where there are high quality timber stands. None make profits out of recreational activities.

Conclusions on Revenue from Environmental Lands

In that management costs for the environmental lands are borne 100% by MNR there is no compelling need for the Region to require them to produce revenue. Having regard to the nature of the timber resources, the objective of preserving the natural environment and the experience of other public forests in Ontario it is highly unlikely that revenues will exceed MNR's management costs.

(iv) INCENTIVES AND ASSISTANCE PROGRAMS FOR PRIVATE LANDOWNERS

A. Government Programs

Introduction

Various government programs exist that offer assistance to private landowners interested in forestry or wildlife management on their property. The assistance may take the form of advice, labour or tax rebates.

Woodlands Improvement Act Assistance

The Ministry of Natural Resources will enter into fifteen year management agreements with owners of between 5 acres and 2,000 acres of land.

Under this program landowners of 10 acres or more are eligible to have 100% of their property taxes rebated by the Province to a maximum of $25,000.

Forestry Advisory Services

For landowners who may not want to commit themselves to a fifteen year agreement, MNR will develop a planting and management plan, provide technical advice and mark trees for harvesting. However all planting and subsequent management is the responsibility of th landowner.

Tax Rebates to Landowners

In addition to tax rebates noted above for landowners with Woodland Improvement Act agreements, similar rebates are available to landowners owning forested land of 25 acres or more providing the land meets certain criteria regarding size and density of trees and providing any cutting is done in accordance with good forestry practices. The Province in its 1987 budget proposed to extend the rebate to include owners of class 1, 2 and 3 wetlands and owners of areas which have been identified by the Ministry of Natural Resources as "areas of natural and scientific interest" (ANSIs). The Long Swamp and, in the Marlborough Forest, the Richmond Fen, Brassil's Creek and Steven's Creek are all qualifying wetlands. The Long Swamp and the Marlborough Forest have also been recognised as ANSI's.

The Province intends to rebate landowners 100% of their municipal taxes up to a maximum of $25,000. This program is intended to be back dated to the 1987 taxation year and all benefitting landowners will be notified.

The removal of the tax burden will overcome one of the criticisms raised by landowners towards restrictive land designations - that all they could do with their land was pay taxes.

Conclusions on Government Assistance to Landowners

These programs are not an alternative to municipal actions to protect environmental areas but complement them by providing management advice and tax rebates to the private owner.

B. Private Stewardship of Land

Introduction

A desirable alternative to a land acquisition program exists where landowners are interested in maintaining or managing their lands to conserve their natural features. Not all landowners can be expected to be sympathetic to this, especially those who

see potential for severances or subdivisions. Nevertheless it should not be assumed that private conservation cannot work. The examples below describe what is being attempted in other parts of Ontario.

The Natural Heritage League Stewardship Program

This program is being operated by the Natural Heritage League. The Natural Heritage League, operating under the auspices of the Ontario Heritage Foundation, is a co-operative group of non-government conservation organisations and government agencies seeking to promote public awareness and appreciation of Ontario's natural heritage, its protection and management.

In 1984 they undertook a pilot project of landowner contact in south-western Ontario which in 1985 and 1986 became a bigger program. The essence of the program consists of contacting the landowners to advise them of the nature and significance of the ecological features on their property, listening to the landowners plans and ideas and then suggesting what management techniques would benefit the features.

The Regional Municipality of Waterloo

In 1986 they started preparing management plans for the 69 environmentally sensitive areas designated in their official plan. Once an inventory has been completed, they prepare management proposals with the landowners. The management plan helps to educate the landowners of the significant features on their property and how best to manage them.

The Regional Municipality of Halton

In 1983 they wrote to the six hundred landowners in the 37 environmentally sensitive areas designated in their official plan. The letter advised them of the significance of these areas and also advised that a member of Halton's Ecological and Environmental Advisory Committee would be available to visit their property and discuss its particular features. Approximately 50 landowners responded.

Conclusions on Private Stewardship of Land

The extent to which a municipally initiated private stewardship program would be effective cannot be fully assessed in advance of landowner contact but certain general points can be made.

It is more likely to be accepted by landowners who only have a part of their property affected by a Natural Environment Area designation, or who have relatively small parcels (10 ha. or smaller) where the desire or expectations for further severances is probably not high, or whose property because of physical conditions or accessibility is not suitable for development.

Private stewardship programs are less likely to be accepted by landowners holding large parcels which have subdivision potential.

Comparing the landowner response in the Natural Heritage League program where 85-90% of the landowners were interested to the much lower response in the Regional Municipality of Halton emphasises the necessity for personal contacts and visits rather than relying on a mailing.

To initiate such a program in Ottawa-Carleton might, at least initially, best be effected through a request to the Natural Heritage League who can draw on and relate their experience elsewhere when contacting the landowners.

(v) TECHNIQUES FOR OBTAINING AN INTEREST IN LAND OTHER THAN THROUGH FEE SIMPLE ACQUISITION

Introduction

As the objective towards the Natural Environment Areas is that they be conserved - not that they necessarily be purchased for public use - an examination has been undertaken of what techniques are available for consideration other than the present acquisition policy. The aim is to reduce the costs associated with the present acquisition program while still being able to ensure the lands are protected.

The various techniques reviewed were:

- conservation easements (restrictive convenants) registered on title,
- agreements not registered on title,
- leases,
- purchase and lease back,
- purchase and sale back,
- life estate.

Conclusions on Alternatives to Acquisition

At the general level the advantages and disadvantages of a municipality acquiring an interest in natural environment lands other than through fee simple are as follows:

Advantages:

- permits private use and ownership to continue,
- offers potentially less expensive options and possibilities of recouping expenditures,
- affords municipalities a good public image,
- land remains on the municipal tax role - no need for the Region to pay grants-in-lieu,
- enlarges the options available, thereby increasing flexibility,
- may encourage more landowners to become aware and interested in protecting natural features.

Disadvantages:

- may commit municipalities to ongoing costs more expensive than acquisition
- the reduced rights secured compared to fee simple may not outweigh the lower costs
- may offer fewer or less secure opportunities for public management and use
- more difficult for the various types of interest to have their monetary value appraised
- less experience to date in the long term effectiveness of some of the techniques.

The advantages and disadvantages will not be the same for each of the various techniques listed above and will be influenced not only by the aspirations of the landowner but also by the nature of the particular property at hand. For example where property has road frontage and is physically capable of development there is a reason for the Region to have a stronger interest in the land than if it were land locked where the road allowance was not physically able to be opened or where the property itself was not capable of being developed. In the former situation purchase and lease back, purchase and sale back or life estates would be preferable. In the latter situation conservation easements, agreements or leases might prove acceptable to both parties.

In cases where the property contains a house or is partly outside a designated Natural Environment Area the lease back or sale back options could be pursued.

If the property is too small to be further subdivided the Region would not need as strong an interest than if it were a larger block of land.

If the property contained a special feature where public viewing was desirable or if public management was needed then conservation easements or covenants would not be sufficient.

In conclusion, it is not possible without talking to landowners and without considering the characteristics of each property to pre-determine the most appropriate technique for securing an interest in a property. In land negotiations conducted to date landowners have not expressed an interest in anything other than outright sale but other options have not been presented to them. Some of the above techniques could, however, be considered when entering into property negotiations in the future.

4. SUMMARY OF VARIOUS OPTIONS FOR REDUCING COSTS TO THE REGIONAL MUNICIPALITY

Land Designation Policy

A policy permitting development at very low densities will probably adequately protect Natural Environment Areas without requiring an acquisition policy. The question of an appropriate lot size is best determined separately for each Natural Environment Area. As it cannot be predetermined what lot size the OMB may conclude is "reasonable" for a specific area it would first be necessary to have the lot size approved before it could be decided whether the acquisition policy could be abandoned. For example, if the OMB were to say that all land should be eligible for 2 acre sized lots estate subdivisions this would not protect the areas and would require the continuation of an acquisition policy. However from the cases cited earlier such a position of the Board is not the most likely and it is expected that the "large lot" approach would be approved.

A variation on the large lot policy could be considered for areas which are physically incapabled development (e.g. wetlands). Such lands could be designated Marginal Resource (Restricted) which would certainly be acceptable to the OMB without requiring an acquisition policy. There is considerable land in each of the Natural Environment Areas that could be considered for such a designation.

In summary, the simplest approach to a designation policy would be the "large lot" approach with each Natural Environment Area possibly having a different lot size. The Marginal Resource (Restricted) approach to wetlands would only be required if the

large lot policy were not found acceptable to the OMB in which case the wetlands would be so designated and the buildable land would remain under the acquisition policy with the present policy of no new lot creation.

Other Options

If some form of acquisition program proves necessary or if for other reasons discussed later, it is decided to continue acquisitions in an area, the following approaches should be considered.

1) Role of Government Agencies

The best route for the Region to pursue would be to approach the conservation asuthorities to request their involvement in the acquisition of class 1 wetlands and to assist the authorities in preparing proposals for submission to the Province.

2) Fund Raising Assistance

Various organisations exist (Nature Conservancy of Canada, the Ontario Heritage Foundation, Wildlife Habitat Canada) which either raise funds from other sources or have money of their own and who could be approached for fund raising assistance either by themselves or in a project involving another agency such as a conservation authority.

3) Incentives and Assistance Programs for Private Landowners

These programs can take various forms: forest management assistance, tax rebates and advice to landowners on management practices that would enhance the conservation value of their land. Such programs are not an alternative to other actions such as land designation but complement them by encouraging private conservation management. They do not require the participation of every landowner in an area in order to be of benefit and could be applied in conjunction with other options mentioned earlier.

4) Alternatives to Acquisition

Various possibilities exist (leases, covenants, etc.) which are less expensive than acquisition yet which give the Region an interest in how land is used. Whether the various techniques will prove effective will depend to some extent on the wishes of the landowner but the Region should be open to utilising them in situations where it is desirable for the Region to take an interest in land.

Conclusions on Options

All the options summarised above are ways in which the Region can reduce the costs associated with protecting environmental lands. Some of the options (e.g. land designation policy) may be able to stand alone while others may work best in combination (e.g. a conservation authority, with fund raising assistance from another body undertaking selected acquisitions in an area while a program of private land stewardship is promoted for those owners who have no desire to sell). The options could therefore be mixed and matched in various ways.

In order to consider which options should be pursued it is necessary to relate them to the specifics of each of the Natural Environment Areas rather than trying to decide on them in the abstract. This is done in the following section.

5. OPTIONS FOR EACH OF THE DESIGNATED NATURAL ENVIRONMENT AREAS

Introduction

This section addresses Planning Committee's directive to consider removing some of the lands from the "conservation" designation and looks at this option in conjunction with the others discussed above.

The Region is obliged to buy land if the owner wishes to sell in four areas: the Corkery Woodlands, the Long Swamp, the Marlborough Forest and Bradley's Falls.

The Corkery Woodlands

As Map 2 shows much of the Corkery Woodlands has been previously divided into 10 hectare parcels with houses along the road frontage. Probably because most of the parcels have already been developed only one property has been offered to and acquired by the Region. It is therefore expected that if the present policies were to remain unchanged the Region would be required to buy very few if any additional properties in the Corkery Woodlands.

On the east side, where no lots have been created, the road frontage is wetland. As such the possibilities for further lot creation are limited and there is consequently no need to maintain an acquisition policy as a means of protection. Another approach therefore would be the "large lot" option with the lot size according to the general size in the area (10 hectares). This would remove Council from any purchase obligations. Alternatively the designation could be changed to Marginal Resource (Restricted). In the unlikely event of further development being proposed Council could decide whether or not to buy after seeing the results of an environmental impact study

Whatever the designation, the presently designated boundary of the Corkery Woodlands follows the extent of the wetland and associated wooded area and no changes are warranted in the boundaries.

The Corkery Woodlands have not been identified by the Province as a significant wetland and are probably not sufficiently important to warrant the Region trying to involve another agencies whether this be in acquisition, in fund raising for same or in assistance programs for the private landowner. Efforts in this regard are best directed to other areas as described later.

In summary therefore, the options for the Corkery Woodlands are:

1. Retain the present designation and policy in that it effectively implies little if any continuing acquisition obligation, or

2. Establish a minimum lot size of 10 hectares in keeping with most of the existing lots, or

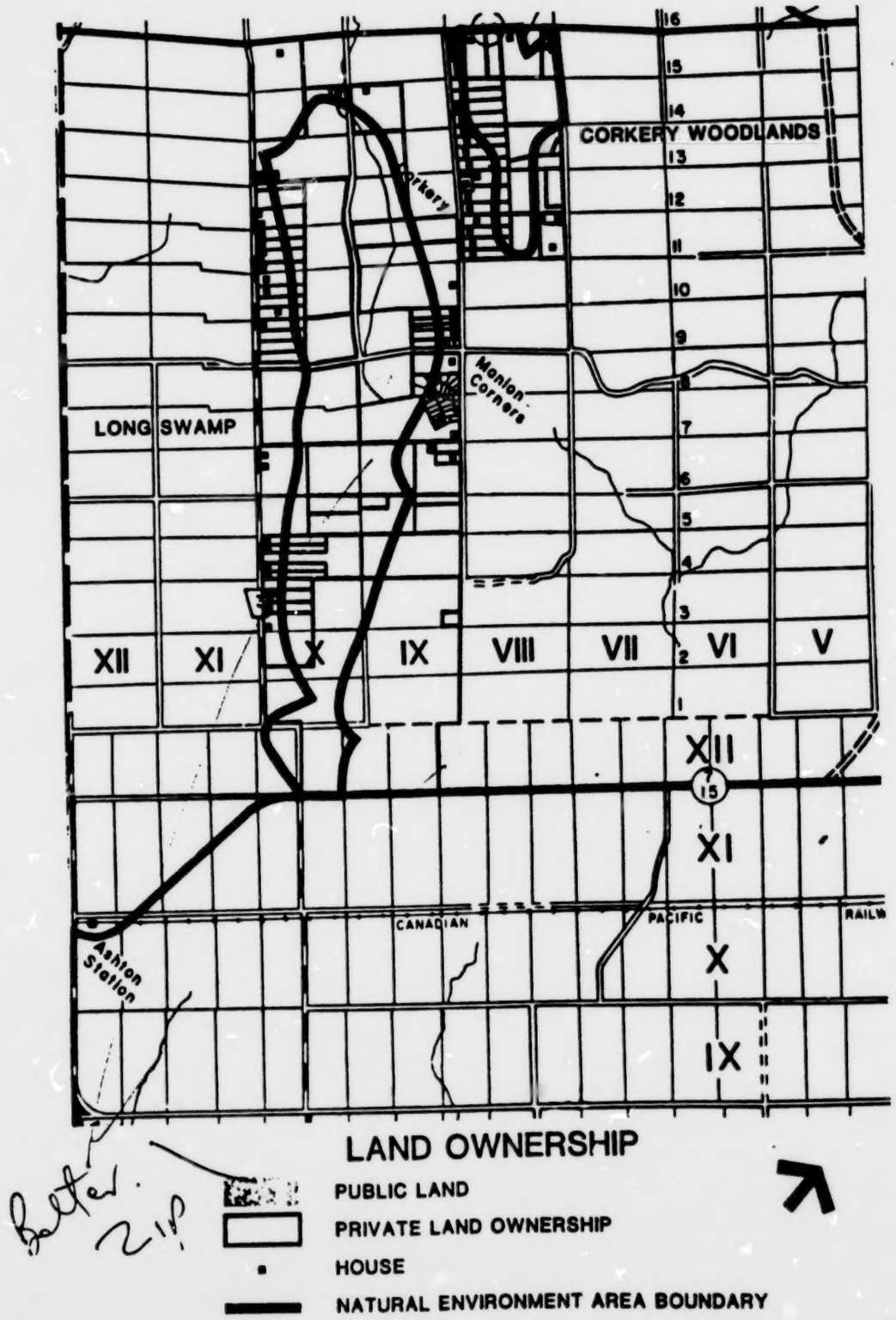
3. Re-designate to Marginal Resource Area (Restricted) and,

under any of the above

4. Offer for sale the 12 hectare parcel acquired by the Region (Map 2) in that there is no advantage in retaining this one isolated property.

MAP 2

CORKERY WOODLANDS–LONG SWAMP



The Long Swamp

The Long Swamp is a class 1 wetland. It would be possible to maintain the present designation but change the acquisition policy to remove the Region's obligation to buy land physically unsuitable for development. If this were done, the Region's purchase obligations in the Long Swamp would be reduced by approximately 90%.

Another approach would be the "large lot" option. As Map 2 shows much of the road frontage has been divided into 10 hectare lots with the rest of the land in 40 or 80 hectare blocks. The policy in the new Regional Official Plan is that new areas of strip development not be created along Regional roads and that existing strips not be extended. It would be contrary to this policy to permit additional 10 hectare lots along Regional Road 3 (Dwyer Hill Road) if a "large lot" option were adopted for the land within the designated boundary. This would not prevent the creation of lots between the Dwyer Hill Road and the environmental area boundary but in order to reduce the direct accesses onto this road, development would need to proceed by plan of subdivision as has occurred on the east side of the Long Swamp in Lots 7 and 8, Con. IX, (see Map 2).

A "large lot" option could be considered for lots backing into the Long Swamp with the lot size being somewhere in the 20 hectare range. This size would tend to avoid strip development and is a size in keeping with the average size in this area.

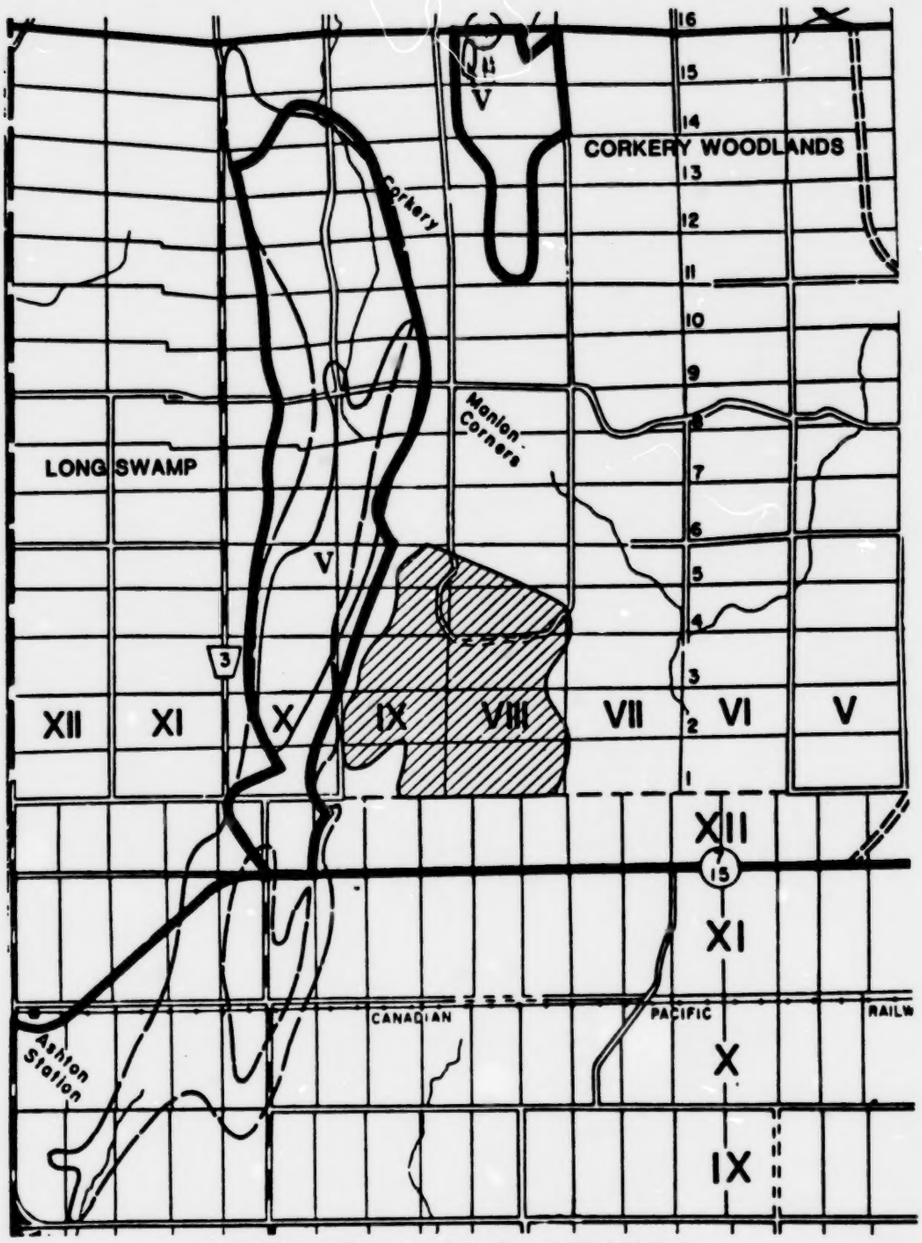
Alternatively the designation could be changed to Marginal Resource (Restricted). In the unlikely event of any further development being proposed - other than along the surrounding road frontages - Council could decide whether or not to buy after seeing the results of an environmental impact study. The concern would be to ensure no pollution or impacts on water levels in the wetland.

The Long Swamp is a class 1 wetland and in Section 3(i) discussing a role for the conservation authorities, it was noted that if a proposal was made to the Province, there is a possibility that acquisition funding would be available to the Mississippi Valley Conservation Authority. Section 3(ii) also noted the possibility of funding through such sources as the Nature Conservancy of Canada. Until these options have been explored it would be premature for the Region to consider disposing of the 360 hectares it owns in this 1,200 hectare area. If funding were to be secured by an agency to acquire the rest of the Long Swamp, the Region would, depending on the specific circumstances, want to consider whether it should sell, retain, trade, etc., the land it has acquired to date. This would, among other things, be influenced by what management arrangements were being considered in conjunction with the funding of the acquisition.

The designated boundary of the Long Swamp does not include all of the area identified by the Ministry of Natural Resources as a class 1 wetland (Map 3). As the designation options above are not coupled to an acquisition policy the boundary could be extended without increasing the Region's financial liability. However because of the substantial size of the increase this is something Planning Committee may not want to entertain as part of the policy review and pending Committee direction no boundary extensions are being proposed.

MAP 3

CORKERY WOODLANDS-LONG SWAMP



SIGNIFICANT FEATURES

- DEERYARD
- SIGNIFICANT VEGETATION
- NATURAL ENVIRONMENT AREA BOUNDARY
- SIGNIFICANT WETLAND
- PUBLIC LAND

Better Zip

Because of the significance of the Long Swamp and that various above options suggest that the Region need not continue its purchase obligation a good situation presents itself to see the extent to which the private landowner would be interested in participating in a program of private land stewardship. The group with the most experience in this matter is the Natural Heritage League as described in Section 3(iv) and they could be approached to see if they would be willing to initiate a pilot program for Ottawa-Carleton in this area, perhaps in conjunction with the MVCA.

Summary of Recommended Policy Choices for the Long Swamp

1. Retain the present policies but approach the Mississippi Valley Conservation Authority to recommend developing a funding request to the Province and/or other fund raising agencies to assume the acquisition program started by the Region.

2. Retain the present designation but make a textual change so that the Region is not obliged to buy land physically unsuitable for development (this change would affect all Natural Environment Areas and not just the Long Swamp), or

3. Establish a minimum lot size of 20 hectares, or

4. Re-designate to Marginal Resource Area (Restricted), and

under any of the above,

5. Consider extending the designated boundary to include the total area of the wetland as shown on Map 3.

6. Request the Natural Heritage League to approach the private landowners with a view to testing a private land stewardship program in Ottawa-Carleton.

The Marlborough Forest

The Region has acquired over half of this 12,140 hectare area and as Map 4 shows the public land is fairly evenly distributed throughout. Unlike the Corkery Woodlands and the Long Swamp, the Forest is not predominantly a wetland although it does contain two class 1 wetlands and one which is class 3. It contains a variety of features including deer yards and areas of vegetational significance and has for years been used for a variety of outdoor pursuits including hiking, cross country skiing, snowmobiling, hunting and trapping.

Because of the very low population density, the Marlborough Forest offers an environment well suited to these activities. Various private clubs or organisations are active in maintaining recreational facilities or in undertaking conservation projects including the Rideau Trail Association, the Rideau Snowmobile Club, the Richmond Snow Rovers Club and Ducks Unlimited. In addition, and again unlike the Corkery Woodlands and the Long Swamp, the Marlborough Forest has over the years received considerable investment from the Ministry of Natural Resources in terms of managment, e.g. inventory, tree planting and thinning, timber pest control, construction of forest roads, picnic ground maintenance, management of certain areas for wildlife. (MNR's management expenditures that have been charged as a debt against the Forest total $586,740. However, this considerably under represents the amount of work that MNR has done. Only labour done directly by MNR's Forests Division is charged to the Forest. For example the following types of work

MAP 4

MARLBOROUGH FOREST

LAND OWNERSHIP

PUBLIC LAND

PRIVATE LAND OWNERSHIP

HOUSE

NATURAL ENVIRONMENT AREA BOUNDARY

are not charged: wildlife management projects, "special" employment programs, conservation officer patrols, data collection and management planning, picnic site maintenance, administration of leases. MNR are unable to advise what the value of this work is.)

All in all, recognising the environmental value and diversity of the Forest, its increasing outdoor recreational value as the population of Ottawa-Carleton grows and what has been invested in the Forest in terms of time and money by both private groups and governments it is recommended that the area remain designated as a Natural Environment Area and that the present acquisition program continue to consolidate the public holdings. However, to assist the acquisition program initiatives should be taken to see if additional sources of funds may be obtained such as through the Rideau Valley Conservation Authority in the acquisition of class 1 wetlands as discussed in Section 3(i) and obtaining of private funds such as through the Nature Conservancy of Canada as mentioned in Section 3(ii). (There are 1,280 hectares of privately owned land in the two class 1 wetlands. If all this were to come on the market at the present average price for Marlborough Forest properties ($250/acre) the total price would be $800,000 and the saving to the Region with RVCA involvement would be $400,000. If other funding sources were secured the savings would be greater.)

The final question to be addressed is whether there should be any boundary changes. The intent of the original (1974) boundary was to protect not just the most significant features but to knit this large forest tract into a comprehensive environmental area free from development intrusions.

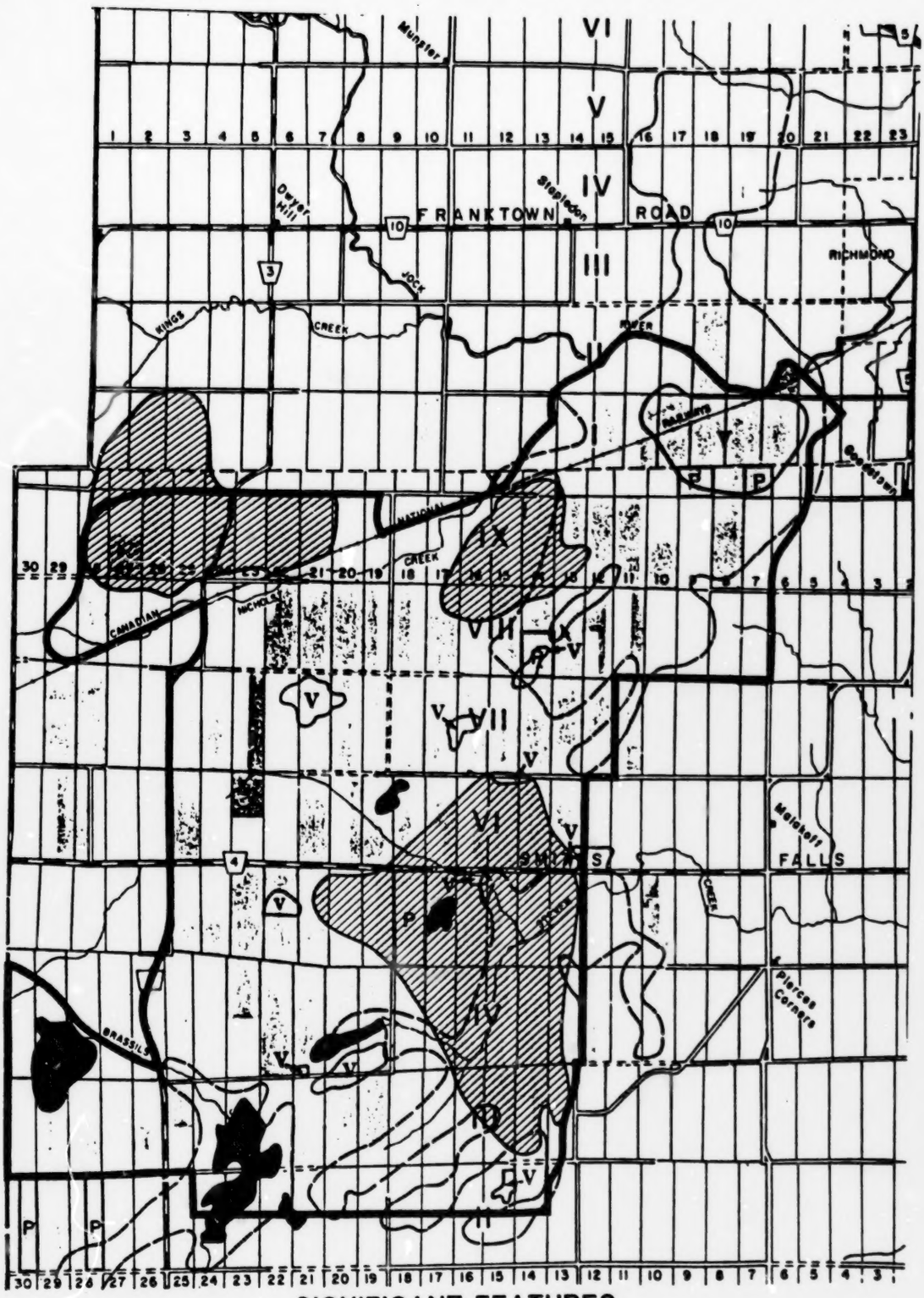
Unlike the boundaries of the Corkery Woodlands and the Long Swamp, that of the Marlborough Forest has undergone significant reduction since it was first designated in 1974. As a result of these changes the boundary no longer includes the full extent of various environmental features (e.g. wetlands, deer yards) that occur throughout the forest (see Map 5).

The most obvious locations where the boundary does not reflect the physical extent of special environmental features is in the north-east where the Richmond wetlands extend considerably to the north of the Jock River and in the north-west where the Dwyer Hill deer yard is situated. Smaller extensions of wetlands occur at the southern boundary and on the east south of the Smiths Falls Road. The Township of Goulbourn in its submission on the draft Regional Official Plan requested that the Natural Environment Area boundary be extended north of the Jock River to include all of the Richmond wetlands. Planning Committee agreed that this matter be dealt with as part of this report and is therefore discussed below.

From an environmental standpoint it is preferable that the full extent of the various environmental features are encompassed within the designated Marlborough Forest and staff would recommend action accordingly. However the intent of Planning Committee's motion initiating this policy review was to reduce Council's financial obligations and any boundary extensions would increase the amount of land that might have to be acquired. In addition any extensions proposed may prove contentious with the landowners and the Committee should be aware of this in deciding whether to open the boundary issue.

MAP 5

MARLBOROUGH FOREST



SIGNIFICANT FEATURES

- DEERYARD
- SIGNIFICANT VEGETATION
- NATURAL ENVIRONMENT AREA BOUNDARY
- SIGNIFICANT WETLAND
- PUBLIC LAND
- DUCKS UNLIMITED PROJECT

Given the fairly evenly distributed pattern of public land ownership throughout the Forest, the distribution of the special environmental features shown on Map 5 and the nature of some of the recreational activities (hunting, snowmobiling) which are not compatible with residential development, it is not recommended that reducing the designated area be pursued.

Summary of Recommended Policy Choices for the Marlborough Forest

1. Retain the present policies but approach the Rideau Valley Conservation Authority to recommend developing a funding request to the Province and/or other fund raising agencies for the Richmond wetlands and Stevens Creek wetlands acquisition and,

2. When undertaking negotiations with landowners be prepared to consider obtaining an interest in the land other than fee simple acquisition and,

3. Consider extending the boundaries to include the full extent of the special environmental features shown on Map 5 which fall partly outside the designated boundaries.

Bradley's Falls

Bradley's Falls are on a tributary of the Carp River and are located on a 60 ha. property owned by the Royal Ottawa Hospital which they use as a residential rehabilitation centre. In 1982 the Region entered into an agreement with the previous landowner (Mitel Corporation) to provide for public access to the Falls at certain specified times. In 1986 Mitel sold the property to the Royal Ottawa Hospital who dispute that the agreement is enforcable. Negotiations have been carried out between the Region and the Royal Ottawa Hospital with the former wanting an agreement in perpetuity and the latter wanting a fixed term.

As negotiations are still proceeding a specific report on Bradley's Falls will come forward later.

NOTE: CONCLUSIONS ON POLICY CHOICES FOR ALL AREAS APPEAR AS PART 8 AT THE END OF THIS REPORT

6. FORECAST OF EXPENDITURES ON ENVIRONMENTAL LAND ACQUISITIONS

Introduction

This section addresses Planning Committee's directive to forecast the five and ten year costs of the present program (i.e. if none of the options discussed above were adopted).

There are three components in estimating future expenditures:

- the cost of repaying debentures that have already been issued;

- the requirements for additional expenditures (both from taxes and new debentures);

- grants in lieu of taxes paid on Regional land.

Debenture Commitments

The table below shows the costs of repaying the outstanding debentures issued for river corridor as well as Natural Environment Area purchases.

Debenture Payments

	1988	1989	1990	1991	1992	5 Yr. Total
Principal	$431,417	196,645	196,444	189,662	192,299	$1,206,667
Interest	$364,112	224,910	212,891	207,454	192,598	$1,201,965
TOTAL	$795,529	421,555	409,335	397,116	384,897	$2,408,632

	1993	1994	1995	1996	1997	5 Yr. Total
Principal	$202,831	124,933	127,556	131,967	136,982	$ 724,269
Interest	$177,378	103,398	86,189	68,633	50,472	$ 486,070
TOTAL	$380,209	228,331	213,745	200,600	187,454	$1,210,339

Past 1997, the remaining debenture payments amount to $224,257 and end in the year 2000.

Since the first debenture was issued in 1982, river corridor acquisitions have accounted for 69% of the total expenditures. If this is pro-rated against the total payment of $3,618,971 derived from the above tables, it means that the debenture costs for the Natural Environment Areas over ten years are $1,121,881 ($746,676 over five years).

Additional Requirements for Funds

The costs of acquisitions in the Natural Environment Areas over the last five years have been as follows:

Cost of Land Bought in Natural Environment Areas

1983	$125,375
1984	$327,460
1985	$203,580
1986	$162,700
1987	$215,378
TOTAL	$1,034,493

(ANNUAL AVERAGE $206,899)

The acquisition program is somewhat difficult to forecast in that it is entirely dependent on landowners approaching the Region with an offer of sale. Nevertheless, apart from 1984 which was the year after letters were sent to all landowners advising them that the Region was willing to purchase lands, there have not been dramatic fluctuations over the last five years. If this relatively steady rate of expenditures were to continue it would mean five and ten year costs in the order of $1,000,000 and $2,000,000 respectively.

At present $1,292,000 unspent authority exists in the Environmental Areas Reserve Fund (i.e. funds that have already been raised through taxes). In addition 1,240,000 unspent debenture authority exists for a total of $2,532,000.

As $1,292,000 is already available in the Reserve Fund, there is no immediate need to issue debentures or raise more funds through taxes so that even if the acquisition program were to continue as at present it is not likely that it would require the full authority over the next ten years. However, as noted above, this account also has to cover any acquisitions in the river corridors. Although the bulk of these have now been completed, there will be additional expenditures (e.g. final settlement on Morris Island, purchase of a parcel at the north end of Long Island to link the Region's land to that of Parks Canada's at the lock station). Nevertheless staff have already recommended, and Executive Committee has agreed, that the previously requested debenture authority of $200,000 in each of the years 1988-1992 be removed from the five year capital budget. If this reduction is approved by Council it will mean a saving of almost $2,000,000 in principal and interest payments.

Grants in Lieu of Taxes

Council voluntarily pays to affected local municipalities grants in lieu of taxes on land it has acquired for conservation purposes. Since the inception of this policy in 1973, grants have amounted to $316,798. A projection of future payments involves both an inflation factor for the local mill rate and an allowance for an increase in land holdings.

The future rate of acquisitions cannot be accurately forecast as purchases are entirely dependent on landowners' interest in selling. Over the last five years the inventory has increased by an average of 4.8% annually and if a 5% mill rate inflation factor is used it means the five and ten year payments of grants in lieu of taxes would be $374,350 and $951,950 respectively.

Future Costs of the Present Natural Environment Area Acquisition Program (Assuming No New Authority is Required)

	5 Year Costs(Rounded)	10 Year Costs(Rounded)
Issued Debentures	$ 746,700	$1,121,900
New Debentures* ($1,240,000 assuming $124,000 is issued each year)	$ 244,500**	$ 896,650**,
Grants in Lieu of Taxes	$ 374,350	$ 951,950
	$1,365,550	$2,970,500

*principal and interest at a 10% interest rate amortized over 15 years

**These costs would probably be less as the full debenture authority is not likely to be required.

7. FINANCIAL SAVINGS RESULTING FROM THE POLICY OPTIONS

Financial savings to the Region resulting from the various options in this report may come in five ways:

1. joint funding programs with the conservation authorities,
2. obtaining assistance from fund raising agencies,
3. using alternatives to fee simple acquisition,
4. reducing the number of areas where acquisitions will be pursued,
5. removing the obligation to buy land physically unsuitable for development.

At present it is not possible to put a precise monetary value on 1 and 2 as it would depend on which lands the agencies might agree to consider - and be successful in getting funds for. It is, however, possible to make certain general statements.

If the conservation authorities were to get provincial funding for the acquisition of class 1 wetlands the savings (based on a 50% subsidy rate) would be $400,000 in buying 800 hectares in the Marlborough Forest and $150,000 in buying 600 hectares in the Long Swamp. However, it is highly unlikely that full provincial funding will be available, in which case any savings would depend on the ability to interest fund raising agencies.

Savings from alternatives to acquisition - 3 - would depend on which technique is being employed.

With regard to 4, it is estimated that to acquire the rest of the Marlborough Forest, Long Swamp and Corkery Woodlands, if all the landowners were interested in selling - which is very unlikely - would cost in the order of $4,650,000. If the Long Swamp and Corkery Woodlands were removed from the acquisition policy as presented in the options, this cost would be reduced to $3,950,000.

With regard to 5 if the policies were changed so that the Region was no longer required to buy land physically unsuitable for development this would also apply in the Marlborough Forest and in conjunction with 4 mean a further reduction of the total to just over $3,000,000. In other words a 33% reduction from the possible total acquisition costs.

8. CONCLUSIONS AND RECOMMENDATIONS

Introduction

The various directions presented for each of the Natural Environment Areas in Section 5 can be considered in three broad categories:

1. Maintaining the existing land use and acquisition policies (do nothing),
2. Maintaining the existing land use policies but seeking other funding sources, alternatives to acquisition, etc.,
3. Amending the Regional Official Plan (various options) to change land use policies with concurrent changes to land acquisition policies.

If option 1 was selected the major implication would be the continuation of the acquisition program which is averaging just over $200,000 a year but as shown in Section 6 the account is not likely to necessitate a new infusion of funds for several years.

Under option 2, various steps would be taken including: (i) developing acquisition funding proposals which would be presented to the conservation authorities as well as to certain non-government agencies such as the Nature Conservancy of Canada and Wildlife Habitat Canada; (ii) requesting the Natural Heritage League to launch a pilot program of private land stewardship to encourage landowner involvement in conservation; (iii) exploring with interested landowners less expensive alternatives to fee simple acquisition.

Option 3, amendments to the Regional Official Plan, could take various forms:

(i) maintaining the designations but changing the policy to remove the obligation to buy land physically unsuitable for development,

(ii) establishing a minimum lot size,

(iii) re-designating certain areas to Marginal Resource Area (Restricted),

(iv) changing the extent of the designated boundaries in certain locations.

As discussed in Section 5, not all of these four actions are recommended for application to each of the Natural Environment Areas.

If Planning Committee wishes to proceed with a Regional Official Plan amendment it is recommended that they first determine in generality the nature and extent of the changes they would like to see. Staff would then draft an amendment in consultation with area municipalities, and interested agencies. Following Planning Committee agreement to the draft amendment a public meeting would be scheduled. A key consideration is whether Planning Committee would wish to contact all the landowners and other interest groups as part of the process. In view of the fact letters were sent to all landowners advising them of the current policies it is advisable that they also be advised by letter of the Committee's intent to change the policies.

Conclusions

The above discussion has identified in broad terms three different directions falling out of the various policy choices for each of the Natural Environment Areas discussed in Sections 5 and 8. It is suggested that Planning Committee should first decide in general terms the sort of change it wants to consider and from there proceed to discuss details of the changes. It is emphasised that in deciding on the appropriate direction it is advisable to consider each of the Natural Environment Areas separately as the direction appropriate for one area may differ from another according to the specifics described in Section 5.

RECOMMENDATIONS

1. That Planning Committee review the directions presented in Section 8 applied to the different areas as discussed in Section 5 with a view to determining the extent of policy changes it wishes to pursue.

2. That depending on 1 staff be instructed to detail the policies needed to give effect to the Committee's direction and present them after discussion with area municipalities and agencies for confirmation.

N. Tunnacliffe
Acting Planning Commissioner